



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MARTIN NOVACK
ATTORNEY FOR APPLICANT
17414 VIA CAPRI EAST
BOCA RATON, FL 33496

COPY MAILED

JUL 1 1 2002

OFFICE OF PETITIONS

In re Application of :
Weiping Li, et al :
Application No. 10/047,910 : ON PETITION
Filed: November 9, 2001 :
Attorney Docket No. WCT-7303 :

This is a decision on the petition filed May 14, 2002, to accept drawing Figure 4 as asserted to have been present on filing of the above-identified application.

The petition is granted.

The application was deposited on November 9, 2001. However, on March 7, 2002, the Office of Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application," stating that a drawing of Figure 4 described in the specification was omitted from the application.

In response, on May 14, 2002, the present petition and requisite petition fee were filed. Petitioner argues that four (4) sheets of drawings were included with the application papers deposited on November 9, 2001. As evidence thereof, petitioner, submitted a copy of his postcard receipt which acknowledges receipt of four (4) sheets of drawings on November 9, 2001. A copy of one sheet of drawing containing Figure 4 was also submitted.

A review of the application file uncovers three (3) sheets of drawings deposited November 9, 2001, with no sheet containing a drawing of Figure 4 present among the application papers.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, the evidence support the fact that four (4) sheets of drawings one of which contain Figure 4 were in fact present on filing.

Since the one (1) sheet of drawing containing Figure 4 cannot be located in the Office, the copy of the one (1) sheet of drawing containing Figure 4 submitted with the petition will be used for processing and examination purposes.

Also, since the petition was a result of PTO error, the \$130.00 petition fee is being refunded.

This application is being returned to the Office of Initial Patent Examination Division for further processing using the one (1) sheet of drawing filed May 14, 2002, and an indication on the bibliographic data sheet that four (4) sheets of drawings were included on filing.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (703) 305-8859.



Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy